are not 'spoken in office.' Rex *v.* Skinner, Lofft, 55. Nor are they subject to like restraints. At such a time, anything is pertinent that may move the mind to doubt or the heart to charity. It is not necessary that reason be convinced; it is enough that compassion is stirred. The range of possible inquiry should be confined within the limits of good faith. Where the test of the pertinent is so vague, there must be some check upon calumny. While convict and counsel act in good faith, they are immune; the privilege is lost when they defame with malice. There is no license, under cover of such an occasion, to publish charges known to be false, or put forward for revenge. We are not dealing here with statements made by witnesses required to attend a hearing (Prison Law [Consol. Laws, chap. 43], §§ 261, 262, 265); there is a distinction between the testimony of witnesses and voluntary complaints (Wright *v.* Lothrop, 149 Mass. 385, 390, 21 N. E. 963). We do not go beyond the case before us. Our ruling is in harmony with the tendency of courts to restrict the scope of absolute privilege in libel. Blakeslee *v.* Carroll, supra, at page 235 of 64 Conn., 25 L. R. A. 106, 29 Atl. 473; Odgers, Libel & Slander, pp. 230, 231. It is in harmony with rulings made where petitions have been submitted to the governor or the legislature for relief against oppression or the redress of other wrongs (Wright *v.* Lothrop, supra, at p. 390 of 149 Mass., 21 N. E. 963; Proctor *v.* Webster, L. R. 16, Q. B. Div. 112, 114, 55 L. J. Q. B. N. S. 150, 53 L. T. N. S. 765; Woods *v.* Wiman, 122 N. Y. 445, 25 N. E. 919; Cook *v.* Hill, 3 Sandf. 341; Maurice *v.* Worden, 54 Md. 233, 39 Am. Rep. 384); the oppression of a harsh or unjust judgment is not to be distinguished in this respect from any other abuse of power. The ruling gives just protection alike to suitor and to counsel, and charges them with liability only when the privilege is abused."

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**Workmen's Compensation Law—Injury Arising in Course of Employment.**—In Eldridge *v.* Endicott, Johnson & Co., 177 N. Y. S. 863 the Supreme Court of New York held that where plaintiff's neck was slightly cut while being shaved at a barber shop, and on the following day, while working in defendant's tannery handling hides, symptoms of anthrax first appeared, his death from the disease was due to accidental injury "arising in the course of his employment."

The court said in part: "In the opinion written in the case, the commissioner says:

" I think it is fair to assume that he contracted anthrax in the course of his employment, and the question is: Can his death, under the circumstances, be attributed to an accidental injury arising out of and in the course of his employment?'

"The opinion is based upon the case of Bacon *v.* United States

Mutual Accident Association, 123 N. Y. 304, 25 N. E. 399, 9 L. R. A. 617, 20 Am. St. Rep. 748; two judges dissenting. As was said by Justice Cochrane in the case of Hiers *v.* Hull & Co., 178 App. Div. 350, 164 N. Y. Supp. 767, commenting upon the Bacon Case:

" 'That case was decided with reference to the particular provision and phraseology of the policy then under consideration, and it is quite clear that it constitutes no precedent under the statute we are now called upon to apply.'

"In the case of Hiers *v.* Hull & Co., supra, it was held that an employee, injured while handling diseased hides became infected with anthrax germs through an abrasion in his hands previously sustained, met with an accidental injury within the meaning of the Compensation Law.

"In Hart *v.* Wilson, 186 App. Div. 926, 172 N. Y. Supp. 896 (affirmed 227 N. Y. ——, 124 N. E.——), in which Hart died of tetanus, the commission found that the contraction of tetanus, consisted of the bite of the bacillus of tetanus, which was undoubtedly in the wool, was an accidental injury within the meaning of the Compensation Law. No opinion was written in this court or in the Court of Appeals in this case. This case makes it unnecessary to discuss the case of Richardson *v.* Greenberg, 188 App. Div. 248, 176 N. Y. Supp. 651.

"In Higgins *v.* Campbell & Harrison, Limited, 6 W. C. C. 1, a workman who had a pimple on his neck was employed in a wool-combing factory. It was his duty to bring bales of wool to the factory and take them to the machine to be washed. In doing this he had to pass some bales of Persian wool, and in the course of his employment he contracted anthrax. Held that he was entitled to compensation.

"In Brintons, Limited *v.* Turvey, 7 W. C. C. 1, the applicant's husband was employed in the appellant's factory as a wool sorter. He became infected with anthrax from wool which it was his business to sort. An operation became necessary and resulted in his death. Held, by the House of Lords, that the contraction of anthrax was an accident.

"In Lewis *v.* Ocean Accident & Guarantee Corp., 224 N. Y. 18, 120 N. E. 56, there was little doubt that the germ causing the death came from an infected pimple. It was held that if the pimple had been punctured by some instrument, and the result of the puncture was an infection of the tissues, then there was an accident, and the defendant was liable.

"In Horrigan *v.* Post Standard Co., 224 N. Y. 620, 121 N. E. 872, where decedent cut his finger at home, and, while engaged in cleaning a urinal, put his injured hand into the water, producing an in-

fection which caused his death, it was held that his death was the result of an accident, and that the applicant was entitled to compensation.

"In Plass *v.* Central New England Railway Co., 169 App. Div. 826, 155 N. Y. Supp. 854, Plass was engaged in cutting weeds along the railway right of way, and came in contact with poison ivy, which resulted in his sickness, reducing his power of resistance, and while in bed he contracted bronchitis, which developed œdema of the lungs, and he died quite suddenly, it was held that his widow was entitled to compensation."